

CUSTOMER NO.
34456**REMARKS**

In accordance with a Request for Continued Examination filed herewith, claims 1, 11, 20, 29, and 31 have been amended. Claims 25 and 30 have been cancelled without prejudice. Claims 34-42 have been added. Reconsideration of the claims is respectfully requested in light of the following remarks.

Claims 11-15 and 18 are allowable

Claims 11-15 and 18 were rejected under 35 U.S.C. § 102(e) as anticipated by U.S. Pat. No. 6,622,307 ("Ho"). Claim 11 from which claims 12-15 and 18 depend, has been amended to recite "authenticating the first user at an access engine to allow the first user to modify the first modulated signal." This element is not disclosed or suggested by Ho. Ho discloses a "multiple-room communication system is adapted to provide digital television programming (e.g. DBS) to a plurality of rooms in a single family dwelling and may be further adapted to provide digital television programming to a plurality of dwelling units in a multiple dwelling unit such as an apartment." Ho, Abstract. Ho does not disclose authenticating a first user to allow the user to modify a first modulated signal. Accordingly, Ho fails to disclose each and every element of claim 11. Further, because claims 12-15 and claim 18 depend from claim 11, Ho fails to disclose each and every element of these claims at least by virtue of their dependency on claim 11.

Because Ho fails to disclose or suggest each and every element of claims 11-15 and 18, Applicants respectfully submit that the rejection of these claims is improper.

Claims 20-24 and 26 are allowable

Claims 20-24 and 26 were rejected under 35 U.S.C. § 102(b) in view of U.S. Pub. No. 2004/006772 ("Ansari"). Claim 20, from which claims 21-24 and 26 depend, recites "an access engine to authenticate a user of a remote control mechanism, wherein the access engine authenticates that the user is associated with the assigned frequency block." As indicated by the Office Action at page 16, Ansari does not disclose an access engine. Accordingly, Ansari fails to disclose or suggest each and every element of claim 20.

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The Office Action states that U.S. Pub. No. 2002/0078442 ("Reyes") discloses an access engine. However, Reyes does not disclose an access engine that authenticates that a user is associated with an assigned frequency block, as recited in claim 20. Instead, Reyes discloses a remote control that is password protected. After a user of the remote control enters the proper password, the remote control operates normally. Entry of the password does not authenticate that the remote control user is associated with an assigned frequency block. Accordingly, Reyes does not disclose "an access engine to authenticate a user of a remote control mechanism, wherein the access engine authenticates that the user is associated with the assigned frequency block" as recited by claim 20.

Claims 21-24 and 26 depend from claim 20. Accordingly, Ansari fails to disclose or suggest each and every element of these claims, at least by virtue of their dependence on claim 20.

In view of the foregoing, it is respectfully submitted that the anticipation rejection of claims 21-24 and 26 is improper, and the withdrawal of such rejection is respectfully requested.

Claims 29 and 31 are allowable

Claims 29 and 31 were rejected under 35 U.S.C. § 102(b) in view of U.S. Pat. No. 6,286,142 ("Ehreth"). Claim 29 recites "authenticating that the first user is associated with a first carrier frequency." This element is not disclosed or suggested by Ehreth. Ehreth discloses a system for facilitating video distribution within a residence. The Ehreth system does not authenticate that a first user is associated with a first carrier frequency. Accordingly, Ehreth fails to disclose or suggest each and every element of claim 29.

Claim 31 depends from claim 29. Accordingly, Ehreth fails to disclose or suggest each and every element of claim 29, at least by virtue of its dependence on claim 29.

In view of the foregoing, it is respectfully submitted that the anticipation rejection of claims 29 and 31 is improper, and the withdrawal of such rejection is respectfully requested.

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Claims 1 and 5-10 were rejected under 35 U.S.C. § 103(a) over U.S. Pub. No. 2003/0145321 ("Bates") in view of Ansari. Claim 2 was rejected under 35 U.S.C. § 103(a) over Bates in view of Ansari, and in further view of U.S. Pat. No. 6,418,149 ("Swisher"), claims 3 and 4 were rejected under 35 U.S.C. § 103(a) over Bates in view of Ansari, and in further view of U.S. Pub. No. 2002/0042915 ("Kubischta"). Claim 1, from which claims 2-10 depend, recites "an access engine to authenticate that a user of the remote control mechanism is associated with the first radio frequency band." As explained above, Ansari does not disclose an access engine. Furthermore, Swisher, Bates and Kubischta do not remedy the deficiency of Ansari. Accordingly, the cited references, individually and in combination do not disclose or suggest each and every element of claims 1-10.

In view of the foregoing, it is respectfully submitted that the obviousness rejection of claims 1-10 is improper, and the withdrawal of such rejection is respectfully requested.

Claims 16, 17, 19, 27, 28, 32 and 33 are allowable

Claim 17 was rejected under 35 U.S.C. § 103(a) over Ho in view of Bates, claims 16 and 19 were rejected under 35 U.S.C. § 103(a) over Ho in view of U.S. Pat. No. 6,430,233 ("Dillon"), claims 27 and 28 were rejected under 35 U.S.C. § 103(a) over Bates in view Ansari, and in further view of U.S. Pat. No. 6,754,904 ("Cooper"), and claims 32 and 33 were rejected under 35 U.S.C. § 103(a) over Ehreth in view of Bates.

Claims 16, 17 and 19 depend from claim 11. As explained above, Ho fails to disclose each and every element of claim 11. Accordingly, Ho does not disclose or suggest each and every element of claims 16, 17 and 19, at least by virtue of their dependence on claim 11. In addition, Bates does not remedy the deficiency of Ho. Therefore, Ho and Bates, individually and in combination, fail to disclose or suggest each and every element of claims 16, 17, and 19.

Claims 27 and 28 depend from claim 20. As explained above, Bates fails to disclose each and every element of claim 20. Accordingly, Bates does not disclose or suggest each and every element of claims 27 and 28, at least by virtue of their dependence on claim 20. In addition,

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Ansari does not remedy the deficiency of Bates. Therefore, Bates and Ansari, individually and in combination, fail to disclose or suggest each and every element of claims 27 and 28.

Claims 32 and 33 depend from claim 29. As explained above, Ehreth fails to disclose each and every element of claim 29. Accordingly, Ehreth does not disclose or suggest each and every element of claims 32 and 33, at least by virtue of their dependence on claim 29. In addition, Bates does not remedy the deficiency of Ehreth. Therefore, Ehreth and Bates, individually and in combination, fail to disclose or suggest each and every element of claims 29 and 30.

In view of the foregoing, it is respectfully submitted that the obviousness rejection of claims 16, 17, 19, 27, 28, 32 and 33 is improper, and the withdrawal of such rejection is respectfully requested

Claims 25 and 30 have been cancelled without prejudice

Claim 25 was rejected under 35 U.S.C. § 103(a) over Bates in view of Ansari and in further view of U.S. Pub. No. 2002/0078442 ("Reyes" and "), claim 30 was rejected under 35 U.S.C. § 103(a) over Ehreth in view of Reyes. Claims 25 and 30 have been cancelled without prejudice, so the rejection is mooted.

New claims 34-42 are allowable

Claims 34-42 have been added. These claims recite features not disclosed or suggested by the cited art. Consideration of these claims is respectfully requested.

CONCLUSION

For this and other reasons, allowance of all pending claims is respectfully solicited.

Applicants respectfully submit that the present application is in condition for allowance. Accordingly, the Examiner is requested to issue a Notice of Allowance for all pending claims. If, for any reason, the Office is unable to allow the Application on the next Office Action, and believes a telephone interview would be helpful, the Examiner is respectfully requested to contact the undersigned attorney or agent.

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The Commissioner is hereby authorized to charge any fees that may be required, or credit any overpayment, to Deposit Account Number 50-2469.

Respectfully submitted,

Date

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